

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DUSTIN GLENN,

Petitioner, : Case No. 3:17-cv-435

- vs -

District Judge Walter H. Rice  
Magistrate Judge Michael R. Merz

PREBLE COUNTY SHERIFF  
DEPARTMENT AND STATE OF  
OHIO

Respondent.

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**REPORT AND RECOMMENDATIONS**

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This habeas corpus case is before the Court on Petitioner's Emergency Motion for Reconsideration (ECF No. 59).

On June 20, 2018, the undersigned filed a Report and Recommendations recommending that the Petition herein be dismissed with prejudice (ECF No. 50). Petitioner sought and was granted an extension of time until August 20, 2018, to file objections (Motion, ECF No. 51; Notation Order, ECF No. 52). Petitioner never filed any substantive objections. However, on August 1, 2018, he objected to the Magistrate Judge's dissolving the writ of certiorari by which his probate court file was obtained but not re-filed in this Court and sought further a twenty-day extension of time to object to the Report (ECF No. 55). Re-filing the probate file here was denied, but the extension of time was granted as requested (ECF No. 57). As of August 27, 2018, Glen had filed no objections and District Judge Rice dismissed the case.

In the Motion for Reconsideration mailed September 5, 2018, Glenn says he is now incarcerated at the Correctional Reception Center in Orient, Ohio, and has been for thirty days (ECF No. 59, PageID 399). He claims he has never received the order granting his extension of time. *Id.* Finally, he asks the Court to order the Clerk to forward “the last two orders” to him at his address of record, 16410 Scottsdale, third floor, Shekar Heights, Ohio 44120. *Id.*

The Motion for Reconsideration, although timely under Fed. R. Civ. P. 59(e), is without merit. Glenn was given as much time as he requested to file objections and never did so. The Clerk has been sending his mail to the Shaker Heights address, the same address he still asks us to use. Even though he is incarcerated, he somehow got notice of the judgment at the Correctional Reception Center. His Motion shows no error in the Court’s judgment and should be DENIED.

September 10, 2018.

s/ *Michael R. Merz*  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party’s objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).